

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

| | | |
|---------------------|---|-------------------------------|
| EFFIE LOUISE HAYES, |) | |
| |) | |
| Plaintiff, |) | Case No. 1:12-CV-20 |
| |) | |
| v. |) | Chief Judge Curtis L. Collier |
| |) | |
| STATE OF TENNESSEE, |) | |
| |) | |
| Defendant. |) | |

JUDGMENT ORDER

Before the Court is *pro se* Plaintiff Effie Louise Hayes' ("Plaintiff") application to proceed *In Forma Pauperis* (Court File No. 1). Pursuant to 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure, United States Magistrate Judge Susan K. Lee filed a report and recommendation recommending Plaintiff's motion be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief could be granted (Court File No. 3). Judge Lee never reached the question of whether Plaintiff was indigent because she concluded Plaintiff failed to assert any facts or offer any legal theory upon which this Court could grant relief. Neither party objected to the report and recommendation within the given fourteen days.¹ Upon conducting an independent review of the record, this Court agrees with the magistrate judge's report and recommendation (Court File No. 3) and similarly concludes Plaintiff has not made any legally

¹ The copy of the report and recommendation mailed to Plaintiff was returned to the Court as undeliverable on February 16, 2012. Therefore, it is certainly possible Plaintiff has not had an opportunity to file an objection. With that said, even without the magistrate judge's report and recommendation, the Court still independently concludes Plaintiff's complaint fails to state a claim upon which relief could be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Construing Plaintiff's complaint generously, the Court finds Plaintiff's claims involve a contested traffic citation and the resulting judgment. Plaintiff fails to make any factual assertion or state any legal claims, however, upon which this Court could grant relief. Accordingly, dismissal is proper pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

cognizable claims for relief pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendation pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72. The Court **ORDERS** that this case be **DISMISSED**.

As no further matters remain for adjudication, the Court **DIRECTS** the Clerk of Court to **CLOSE** the case.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Debra C. Poplin
CLERK OF COURT